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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,422	03/15/2001	Guozhu Long	21676-05108	6499
758	7590	02/13/2006	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			NGUYEN, DUNG X	
			ART UNIT	PAPER NUMBER
			2638	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,422

Applicant(s)

LONG ET AL

Examiner

Dung X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6, 7, 10, 12 - 14, 17, 18, 20, 22 - 26, and 30 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 9, 11, 15, 16, 19, 21, 27, 28, and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 – 3, 10, 12, 20, 22, and 23 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), and further in view of Storace et al. (US patent # 4,787,045).

Regarding claim 1, Palm (US patent # 6,751,254 B1), discloses (figure 2) a method for performing a 9.994.1 protocol handshake session (column 12, line 59 to column 13, line 5) between a local device (2) and a remote device (4), comprising:

- The remote device receiving the request signal (after the handshake session has been initiated, the remote device (4) receives the request signal, column 13, lines 6 – 25 and column 4, lines 1 - 5);
- The remote device generating a response signal (column 13, lines 16 – 25, after the handshake session is initiated, the remote device (4) generates a response to accept or reject).

Palm (US patent # 6,751,254 B1), differs from the instant claimed invention that it does not expressly show:

- Establishing an identification for remote device;

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- The local device generating a request signal to initiate a handshake session (column 3, lines 59 – 63 and column 18, lines 27 - 53, that request signal including an identification signal representative of the identification;
- The remote device verifying the identification signal.

However, another Palm (US patent # 6,950,459 B1) discloses (figure 2):

- Establishing an identification for remote device (column 5, lines 11 – 25 and column 18, lines 27 - 53);
- The local device (xTU-C) generating a request signal to initiate a handshake session, that request signal including an identification signal representative of the identification (column 5, lines 59 – 63 and column 18, lines 27 - 53);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm (6,751,254 B1), another Palm (US patent # 6,950,459 B1) as providing the requirements of the instant claimed invention for improving the handshake protocol.

And, Storace et al. discloses:

- The remote device verifying the identification signal (column 2, line 21 – 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm (6,751,254 B1), another Palm (US patent # 6,950,459 B1), and Storace et al. as providing the requirements of the instant claimed invention for ensuring the presence of the remote identification.

Regarding claim 2, as followed by the limitations analyzed in claim 1, Storace et al. further discloses:

- Establishing a local device identification for the local device (column 8, lines 27 – 32); and
- Including an identification signal representative of the local device identification in the response signal (column 8, lines 32 - 35);

For indication of a proper response (column 9, line 1 of Storace et al.)

Regarding claim 3, as followed by the limitations analyzed in claim 1, Storace et al. further discloses the identification for the remote device and the local device identification being the same (column 7, lines 33 – 40) for convenience.

Regarding claim 10, Palm (6,751,254 B1), discloses (figure 2) a method for performing a 9.994.1 protocol handshake session (column 12, line 59 to column 13, line 5) between a local device (2) and a remote device (4), comprising:

- The local device (2) generating a request signal to initiate a handshake session, that request signal including an identification signal representative of the identification (column 3, lines 59 – 63, column 8, line 64 to column 9, line 2, and column 42, lines 28 -30);
- The remote device (4) receiving the request signal including a local identification signal representative of the local identification (column 3, lines 59 – 63, column 8, line 64 to column 9, line 2, and column 42, lines 28 - 30);
- The remote device (4) generating a response signal (column 13, lines 16 – 25 after the handshake session is initiated, the remote device (4) generates a response to accept or reject).
- The local device (2) generating the response signal column 13, lines 16 – 25 after the handshake session is initiated, the local device (2) generates a response to accept or reject).

Palm (6,751,254 B1), differs from the instant claimed invention that it does not expressly show:

- The remote device verifying the identification signal.
- Establishing a remote identification corresponding to the remote device;
- The local device verifying the local identification signal.

However, another Palm (US patent # 6,950,459 B1) discloses:

- Establishing a remote identification corresponding to the remote device (column 5, lines 59 – 63 and column 18, lines 27 - 53);

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm (6,751,254 B1), another Palm (US patent # 6,950,459 B1) as providing the requirements of the instant claimed invention for improving the handshake protocol.

And, Storace et al. discloses:

- The remote device verifying the identification signal (column 2, lines 20 - 24);
- The local device verifying the identification signal (block 326 of figure 4, column 7, 64 - 66 and lines 5 - 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm (6,751,254), another Palm (US patent # 6,950,459 B1), and Storace et al. as providing the requirements of the instant claimed invention for ensuring the presence of remote identification.

Regarding claim 12, as followed by the limitations analyzed in claim 10, the limitations are analyzed in the same manner set forth as claim 3.

Regarding claim 20, Palm (6,751,254 B1), discloses (figure 2) a method for performing a 9.994.1 protocol handshake session (column 12, line 59 to column 13, line 5) between a local device (2) and a remote device (4), comprising:

- The remote device (4) receiving the request signal;
- The remote device (4) generating a response signal (column 13, lines 16 - 25, after the handshake session is initiated, the remote device (4) generates a response to accept or reject)
- The local device (2) generating the response signal (column 13, lines 16 - 25, after the handshake session is initiated, the local device (2) generates a response to accept or reject).

Palm (6,751,254 B1), differs from the instant claimed invention that it does not expressly show:

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- Establishing a remote identification corresponding to the remote device (4);
- The remote device transmitting the remote identification to the local device upon an initial communication with the local device after installation the remote device;
- Storing the remote identification for use by the local device in a subsequent communication with the remote device;
- In a subsequent communication, the local device generating a request signal to initiate a handshake session, the request signal including the remote identification.

However, another Palm (US patent # 6,950,459 B1), discloses (figure 2):

- Establishing a remote identification corresponding to the remote device (4) (column 5, lines 59 – 63 and column 18, lines 27 - 53);
- The remote device (xTU-R) transmitting the remote identification to the local device (xTU-C) upon an initial communication with the local device (xTU-C) after installation the remote device (column 5, lines 59 – 63 and column 18, lines 27 - 53);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm (6,751,254 B1), another Palm (US patent # 6,950,459 B1) as providing the requirements of the instant claimed invention for improving the handshake protocol.

And, Storace et al. discloses:

- Storing the remote identification for use by the local device in a subsequent communication with the remote device (column 2, lines 19 – 44);
- In a subsequent communication, the local device generating a request signal to initiate a handshake session, the request signal including the remote identification (column 8, lines 20 – 35 and column 7, lines 32 - 40); and
- The remote device verifying the identification signal (column 4, lines 1 – 6 and column 2, lines 17 – 19 and lines 41 – 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm (6,751,254 B1), another Palm (US patent # 6,950,459 B1),

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and Storace et al. as providing the requirements of the instant claimed invention for ensuring the presence of the remote identification.

Regarding claim 22, as followed by the limitations analyzed in claim 20, Storace et al. further discloses:

- The remote device generating a response signal including a local identification signal corresponding of the local identification (column 8, lines 29 – 35);
 - The local device receiving the response signal (column 8, lines 29 – 35); and
 - The local device verifying the local identification signal (column 8, lines 29 - 35);
- For verifying the local identification signal.

Regarding claim 23, as followed by the limitations analyzed in claim 20, the limitations are analyzed in the same manner set forth as claim 3.

3. **Claims 4 and 24 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al. (US patent # 4,787,045), and further in view of Romeo Zabaleta (European Patent Application # 0 569 314 A1).

Regarding claim 4, as followed by the limitations analyzed in claim 1, Palm and Storace et al. differ from the instant claimed invention that they do not show wherein the request signal includes multiple tones compatible with the G.HS protocol.

However, Romeo Zabaleta discloses wherein the request signal includes multiple tones compatible with the G.HS protocol (page 4, lines 27 – 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm, (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al., and Romeo Zabaleta as providing the requirements of the instant claimed invention for having the request signal includes multiple tones to be easy to change.

Regarding claim 24, as followed by the limitations analyzed in claim 20, the limitations are analyzed in the same manner set forth as claim 4.

4. **Claims 6 and 25 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al. (US patent # 4,787,045, and further in view of Green et al. (US patent application publication # 2003/0058506 A1).

Regarding claim 6, as followed by the limitations analyzed in claim 1, Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), and Storace et al. differ from the instant claimed invention that they do not further show comprising modulating the amplitude of the request signal to include the identification signal.

However, Green et al. discloses modulating the amplitude of the request signal to include the identification signal (page 4, paragraph # 0055).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm, (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al., and Green et al. as providing the requirements of the instant claimed invention for sending the amplitude of the identification signal.

Regarding claim 25, as followed by the limitations analyzed in claim 20, the limitations are analyzed in the same manner set forth as claim 6.

5. **Claims 7 and 26 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al. (US patent # 4,787,045), and further in view of Crandall, Jr. (US patent # 6,186,396 B1).

Regarding claim 7, as followed by the limitations analyzed in claim 1, Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), and Storace et al. differ from the

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instant claimed invention that they do not further show comprising modulating the frequency of the request signal to include the identification signal.

However, Crandall, Jr. discloses modulating the frequency of the request signal to include the identification signal (column 3, lines 27 – 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm, (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al., and Crandall, Jr. as providing the requirements of the instant claimed invention for sending the request signal including the identification signal.

Regarding claim 26, as followed by the limitations analyzed in claim 20, the limitations are analyzed in the same manner set forth as claim 7.

6. **Claim 13 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al. (US patent # 4,787,045), and further in view of Logan et al. (US patent # 6,931,451 B1).

Regarding claim 13, as followed by the limitations analyzed in claim 10, Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), and Storace et al. differ from the instant claimed invention that they are not further comprising modulating the amplitude of the request and response signals to include the remote and local identification signal.

However, Logan et al. discloses modulating the amplitude (column 3, line 39) of the request (column 21, line 37) and response (column 4, line 37) signals to include the remote and local identification signal (column 3, lines 8 – 11 and lines 44 – 46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm, (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al., and Logan et al. as providing the requirements of the instant claimed invention for providing a system that edits broadcast signals to correspond to the preferences of an individual audience member (column 3, lines 54 – 56 of Logan et al.).

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Regarding claim 25, as followed by the limitations analyzed in claim 20, the limitations are analyzed in the same manner set forth as claim 13.

7. **Claim 14 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al. (US patent # 4,787,045), and further in view of Paratore et al. (US patent # RE38,619 E).

Regarding claim 14, as followed by the limitations analyzed in claim 10, Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), and Storace et al. differ from the instant claimed invention that it does not further show comprising modulating the frequency of the request and response signals to include the remote and local identification signal.

However, Paratore et al. discloses modulating the frequency (column 10, line 18) of the request (column 9, line 55) and response (column 8, lines 20 - 25) signals to include the remote and local identification signal (column 2, lines 17 - 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm, (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al., and Paratore et al. as providing the requirements of the instant claimed invention for operating with any of the channel parameters (column 2, lines 58 - 64 of Paratore et al.).

Regarding claim 26, as followed by the limitations analyzed in claim 20, the limitations are analyzed in the same manner set forth as claim 14.

8. **Claims 18 and 30 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al. (US patent # 4,787,045), and further in view of Hickey et al. (US patent application publication # 2004/0071276 A1).

Regarding claim 18, as followed by the limitations analyzed in claim 10, Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), and Storace et al. differ from

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the instant claimed invention that they do not show its invention further comprising the local device sending code points to the remote device to indicate compatibility of remote and local service.

However, Hickey et al. discloses the step of the local device sending code points to the remote device to indicate compatibility of remote and local service (page 2, paragraph # 0025).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm, (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al., and Hickey et al. as providing the requirements of the instant claimed invention for sharing and transferring the information (page 1, paragraph # 0001 of Hickey et al.).

Regarding claim 30, as followed by the limitations analyzed in claim 20, the limitations are analyzed in the same manner set forth as claim 18.

9. **Claims 17 and 29 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), Storace et al. (US patent # 4,787,045), and further in view of Focsaneanu et al. (US patent # 5,991,292).

Regarding claim 17, as followed by the limitations analyzed in claim 10, Palm (US patent # 6,751,254 B1), another Palm (US patent # 6,950,459 B1), and Storace et al. differ from the instant claimed invention that they do not show the steps of wherein the remote and local identifications being selected from POTS number associated with the remote and local devices.

However, Focsaneanu et al. discloses the step of wherein the remote and local identifications being selected from POTS number associated with the remote and local devices (column 8, lines 23 – 47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Palm (US patent # 6,751,254 B1), another Palm (US patent #

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6,950,459 B1), Storace et al., and Focsaneanu et al. as providing the requirements of the instant claimed invention for being easier to use the remote and local identifications.

Regarding claim 29, as followed by the limitations analyzed in claim 20, the limitations are analyzed in the same manner set forth as claim 17.

Allowable Subject Matter

10. **Claims 5, 8, 9, 11, 15, 16, 19, 21, 27, 28, and 31 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other Publications:

Kunii et al., "Tele-handshake Using Handshake Device", Proceedings of the 1995 IEEE IECON 21st Conference on Industrial Electronics, Control, and Instrumentation, Vol. 1, 6 - 10 November 1995, pp. 179 - 182.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (703) 305-4892. The examiner can normally be reached on Monday through Friday from 8:30 AM to 17:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Vanderpuye Kenneth N. can be reached on (703) 306-3078. The fax phone numbers for this group is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

DXN

December 18, 2005



KENNETH VANDERPUYÉ
SUPERVISORY PATENT EXAMINER